

# Agenda

## Item #7



STATE OF MAINE  
COMMISSION ON GOVERNMENTAL ETHICS  
AND ELECTION PRACTICES  
135 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0135

To: Commissioners  
From: Jonathan Wayne, Executive Director  
Date: July 17, 2012  
Re: Request to Investigate Anonymous Flyer in Senate Republican Primary Election

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**Request for Investigation by Irv Marsters**

On June 11, 2012, Irv Marsters faxed a request that the Commission investigate a flyer mailed to his residence in Glenburn, Maine concerning the Republican primary election for State Senate, District 33. In that race, State Representative Andre Cushing was running for the Republican nomination against another candidate, James P. Emerson.

The flyer was a single piece of 8 ½ by 11 inch paper folded in three parts (tri-fold style). One side of the paper set out "TOP 10 REASONS WHY ANDRE CUSHING DOES NOT DESERVE YOUR VOTE IN THE REPUBLICAN PRIMARY FOR MAINE SENATE." The message in large typeface at the bottom was "PLEASE VOTE EMERSON FOR STATE SENATE-TUESDAY, JUNE 12." The other side of the flyer contained the mailing address for Irvine & Karen Marsters. It has a first-class postage stamp and was stamped at the Eastern Maine Processing & Distribution Center in Hampden.

Mr. Marsters is the president of the Bangor Letter Shop, Inc., which does printing and mailing. He is aware of the legal requirement that paid communications to voters must generally contain a "paid for" disclaimer statement.

On June 12, 2012, I had a brief conversation with Mr. Marsters. He told me that Rep. Cushing did not ask him to file a complaint, and that he had not discussed filing a complaint with Rep. Cushing. He told me that he has a serious concern about people

dumping mail 3-4 days before an election with no disclaimer. He assumes that his household received it on June 9, three days before the primary election. He says that he called Andre Cushing to tell him that he received it and to ask him what he knew about it. He left a voicemail for Rep. Cushing. Mr. Cushing responded with an e-mail dated June 11, 2012 (discussed below) that Mr. Marsters included with his complaint. That e-mail became a public document when our office received it as part of Mr. Marsters' faxed complaint.

### **Disclaimer Requirement (and the Exception)**

Under 21-A M.R.S.A. § 1014(2) (attached), when a person makes an expenditure for a communication to voters, such as a mailed flyer, that expressly advocates for or against a candidate and no candidate authorized the expenditure, the communication is required to contain a statement "NOT PAID FOR OR AUTHORIZED BY ANY CANDIDATE." The communication must also include the name and address of the person who made or financed the expenditure for the communication.

In 2011, the Maine Legislature enacted an exception to the disclaimer requirement for handbills or other printed literature produced and distributed at a cost not exceeding \$100 and prepared by one or more individuals who are acting independently of candidates and political parties and other political groups. (21-A M.R.S.A. § 1014(6)(A)) Similar exceptions were also enacted for low-cost campaign signs and internet activities by individuals acting independently.

### **Preliminary Fact-Gathering**

The first three reasons listed in the flyer refer to a land use plan adopted in Hampden, Maine named the 2010 Comprehensive Plan. Rep. Cushing is a Town Councilor in Hampden, and has come under criticism by some property-owners in the town concerning the comprehensive plan.

In his June 11 e-mailed response to Irv Marsters, Rep. Cushing mentioned a website, [www.votethecockroachesout.com](http://www.votethecockroachesout.com), that expresses opposition to some elected officials, including Rep. Cushing. That website has a Facebook page associated with it, that had posted similar but more lengthy language entitled "TOP TEN REASONS why STATE REP. ANDRE CUSHING of Hampden DOES NOT SERVE YOUR VOTE." (A copy of the Facebook page is attached.) Mr. Cushing explains in his June 11 e-mail to Mr. Marsters that individuals in a local organization, the Hampden Area Landowners Association (HALO) who have objected to the comprehensive plan, have used "similar tactics" against several of the current town councilors.

In conducting preliminary fact-gathering, I have interviewed a total of five people concerning the flyer, including James Emerson and four members of the HALO. The HALO members are all individuals that Rep. Cushing identified by name in his e-mail to Mr. Marsters. After being contacted by me, one of them requested a copy of Mr. Marsters' complaint and circulated it to others in the group. All five of them were cooperative with me, and did not object to speaking to me. They took sharp exception, however, to being identified in an e-mail by Mr. Cushing, even though I explained that the e-mail was a private communication from Rep. Cushing to Mr. Marsters. A couple of them mentioned consulting with the attorney for HALO concerning being identified in the e-mail. Below I summarize my interviews, but I am not mentioning the interviewees by name in this memo to avoid exacerbating tensions. I am happy to provide you with more information at the July 25 meeting if you would like.

James Emerson telephoned me promptly after receiving a letter from me. He said that he did not know anything about the mailing and did not have anything to do with it. He said that he had seen a flyer that was similar while campaigning, but did not look at it closely. He saw it at an event that raised funds for HALO. He said that the flyer "looked like dirty pool." He said that he had not wanted to get involved in Hampden town issues. I found Mr. Emerson's denial of involvement to be credible.

The Commission staff found the similar language on the Facebook page of [www.votethecockroachesout.com](http://www.votethecockroachesout.com). I telephoned the two members of the married couple who are identified as being responsible for the website. I interviewed them separately by telephone. They said that they had received the flyer, that they did not send it and they did not know who did.

One member of the couple stated that she had seen the top ten language before, but did not know who was responsible for it. I believe she said that as the administrator of the Facebook page, members of the public could use the Facebook page to submit language for her to approve and to post on the website. She said that over the previous weekend, she had tried to determine who had provided the language to her for her approval, but could not figure out how to do it based on her knowledge of Facebook.

She said that had contemplated doing a mailing in support of James Emerson, and called our office concerning compliance. She was told that the cost cannot exceed \$100, or the mailing would need to have a disclaimer on it. She said that she was advised by HALO that it could not use its funds, as a nonprofit organization, to endorse a candidate. So, HALO did not send a mailer to support James Emerson. She said that she could not afford to do a pro-Emerson mailer. At my request, she provided me with the name and telephone number for the President of HALO.

The next day I received a telephone call from the treasurer of HALO, who described himself as one of the founders of the organization. He denied that HALO was responsible. He said that he does not know who sent the mailer. He suspects it was more than one person. The copy he received was in color, while his sister received a black-and-white copy.

I also telephoned the President of HALO. She denied being responsible for the flyer and said that she did not know who sent it.

### **Staff Recommendation**

During the 2011 legislative session, the Commission proposed an exception to the disclaimer requirement after considering the First Amendment arguments raised by the respondents in the 2010 Cutler Files enforcement matter. The exception allows individuals who are not associated with campaigns the freedom to express themselves for or against candidates through low-cost internet activities, campaign signs, and printed literature, without running afoul of campaign disclosure requirements.

The Legislature adopted the exception in 21-A M.R.S.A. § 1014(6) in 2011. This is the first enforcement matter presented to the Commission concerning a missing disclaimer since the Legislature's enactment of the exception. Depending on the factual circumstances (which are not fully known), this flyer could perhaps serve as a cautionary illustration of how exceptions to campaign finance requirements can result in more political speech, but sometimes without information available to members of the public concerning who is trying to influence their votes.

After conducting the interviews described above, the Commission staff suspended its preliminary fact-gathering because:

- The telephone interviews were not yielding any helpful results.
- The flyer itself suggests that the individuals involved wish to remain anonymous.
- It is possible that less than \$100 was spent on the mailing, in which case the mailing may not be in violation.
- It is possible that the people responsible for the mailing intentionally spent less than \$100 in order to remain compliant with campaign finance law.

The Commission staff is willing to conduct any further investigation the Commission would like. It is not clear, however, that a violation has occurred or whether further investigation will identify the individuals responsible for the mailing.

Thank you for your consideration of this memo.



**BANGOR LETTER SHOP**  
LIE • MAILING • SPECIALISTS

Penobscot Plaza  
99 Washington Street  
Bangor, ME 04401-6518  
PH 207.945.9311  
FAX 207.942.9914  
Info@bangorlettershop.com

PAGE 1 OF ~~4~~ 4 DATE: 6/11/12  
ATTN: Paul Lundy - Ethics Commission  
FROM: IRV MARSTERS

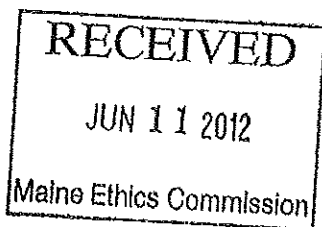
RE: Complaint Political Mailbox  
w/ no disclaimer / disclosure  
as to sender authorization and  
payment.

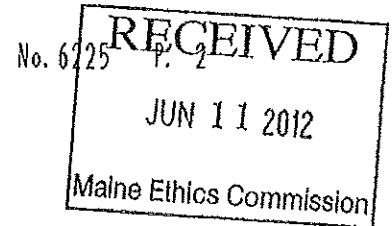
Paul

Here's the two sides of the Mailer we  
discussed by phone.

Thanks in advance for your assistance  
with this complaint.

Also attached is an email from Andre Cusack  
in response to my questions of him about the Mailbox.  
IRV Marsters





**TOP 10 REASONS WHY ANDRE CUSHING DOES NOT DESERVE  
YOUR VOTE IN THE REPUBLICAN PRIMARY FOR MAINE SENATE:**

**10)ANTI-PROPERTY RIGHTS:** Cushing recently supported a very Invasive, UN Agenda 21, land grabbing Comprehensive Plan to severely restrict your rights to freely use your privately owned land.

**9)DISHONESTY:** Cushing excused his support of the land grabbing agenda by blaming it on a State mandate that didn't exist!

**8)HYPOCRISY:** While supporting and voting for the restrictive Comprehensive Plan diminishing local property owner's rights, the yet undeveloped CUSHING FAMILY TRUST PROPERTIES WERE EXEMPTED from the same land use restrictions forced upon many of the private property owners of Hampden.

**7)MORE HYPOCRISY:** Cushing supported legislation to stiffen penalties for the dumping of used "white goods" onto private property. Yet, an incident was reported to the police where witnesses state they saw the vehicle with Cushing's legislative license plate dumping white goods on private property! A fine was paid for littering.

**6)HOSTILITY:** Many constituents report hostile outbursts when Cushing is held accountable for his actions.

**5)QUESTIONABLE PAC ACTIVITY:** Questions have been raised regarding Cushing improperly enriching himself from funds contributed to his Political Action Committee.

**4)SILENCING THE PUBLIC:** Cushing recently voted for efforts to research ways to silence the public who dare to speak to hold elected officials accountable.

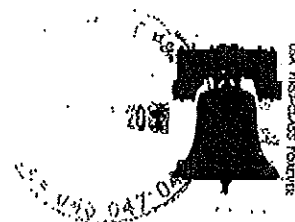
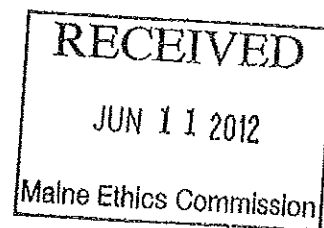
**3)ANTI-SECOND AMENDMENT:** Cushing recently voted with the Democrats and against the Republicans to send a bill to the House of Representatives that would ban high capacity gun clips.

**2)MORE LAND GRABBING:** Cushing sponsored a "property rights bill" which in true political fashion did just the opposite! Cushing's bill actually gave government the green light to take your private property without adequate compensation.

**1)RECENTLY VOTED AGAINST YOUR RIGHT TO CARRY A GUN ON ANY AND ALL TOWN PROPERTY!**

**PLEASE VOTE EMERSON FOR STATE SENATE-  
TUESDAY, JUNE 12**





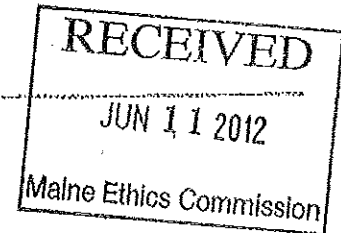
Irvine + Karen Marsters  
8 Beech Grove Ave  
Glenburn, ME 04401

0440181432



Irv Marsters

From: Andre Cushing [andre@andrecushing.com]  
Sent: Monday, June 11, 2012 6:59 AM  
To: Irv Marsters  
Subject: regarding the unsigned mailer you called about  
Attachments: o philbrick posts.docx



Irv,

Here is a copy of the Facebook posting that is similar to the mailer that you called me about. Cindy & Paul Philbrick live on Western Ave in Hampden and along with Lisa & Scott Carter & Kristen Hornbrook are those responsible for forming the HALO group (Hampden Area Landowners Association). They have been the prime instigators of many of the challenges to the comprehensive plan in Hampden and recruited candidates in the november election where they employed similar tactics against several of the current town councillors. They maintain the webiste for HALO

<http://halohampden.com/>

and I beleive they also maintain the Vote the Cockroaches Out website

<http://www.votethecockroachesout.com/about>

--  
Andre E. Cushing III, Assistant Majority Leader  
State Representative- District 39  
(Dixmont, Hampden, Newburgh)  
P.O. Box 211  
Hampden, Maine 04444  
office 207-358-9447  
home 207-449-1358  
fax 419-781-5601  
email [andre@andrecushing.com](mailto:andre@andrecushing.com)



[Vote The Cockroaches Out](#)
[Timeline](#)
[May](#)
[Highlights](#)

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## Vote The Cockroaches Out

417 likes · 3 talking about this

Government Organization

It's time the local, state and federal politicians listen to the people. Election time is right around the corner.

About

Photos

Likes

417

Highlights

Post

Photo / Video

Write something...

Activity  
June

People Talking About This

6

May



Vote The Cockroaches Out  
May 28

Here's what Andre thinks of your gun rights. He cannot hide from his voting record in the legislature:

CUSHING VOTED WITH the Maine legislative council committee's 4 Democrats, to allow the full house to consider a bill BANNING HIGH CAPACITY GUN CLIPS, while the other 5 Republicans on the committee voted against the gun ban. CUSHING's vote would have advanced the bill. However, the bill died in C...[See More](#)

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1



Vote The Cockroaches Out  
May 28

Komrades,

The way Andre talks about 'OUR second amendment rights' (while seeing and knowing how he actually votes to diminish those rights) can only cause one to conclude that he has this twisted concept in HIS mind that the 2nd amendment, somehow gives him authority to claim a right, TO WEAKEN the 2nd amendment rights of others. He just cannot have this so very black and white issue, work for him...[See More](#)

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1



Vote The Cockroaches Out  
May 28

Engaging emails from Andre Cushing: Mark,

In regards to the second amendment issue, it was originally worded in a manner that violates our second amendment rights. The current version which came out of the review process corrected the previous ordinance, established in 1986, which had the wording prohibiting carry or discharge in Dorothea Dix Park. The debate on the issue and subsequent communicat...[See More](#)

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Vote The Cockroaches Out  
May 26

TOP 10 REASONS why  
STATE REP. ANDRE CUSHING of Hampden, DOES NOT DESERVE YOUR VOTE in the Republican primary for an open seat in the MAINE SENATE

#10) CUSHING claims he supports the rights of PRIVATE PROPERTY OWNERS. Yet, in his capacity as Hampden Town Councilor, CUSHING SUPPORTED a very invasive, UN Agenda 21 land grabbing comprehensive plan restricting private property

← see next page



**Vote The Cockroaches Out** · Timeline · May · Highlights · Like

-----Original Message-----  
From: gene goodine <lowimpactcut@yahoo.com>  
To: undisclosed recipients: ;  
Sent: Mon, May 7, 2012 7:29 am  
Subject: What really happened at ME GOP State convention.

Only have a couple minutes before I head out to the woodlot to work. As you probably heard, Ron Paul supporters dominated the state GOP convention. the establishment people used all parliamentary procedure....See More

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owners rights to freely use their privately owned land.

#9) CUSHING LIED to local constituents, stating that it was a State mandate that towns must adopt a comprehensive plan. However, in fact there is no such State statute requiring towns adopt comprehensive plans in Maine.

#8) CUSHING IS A HYPOCRITE. While supporting adoption of the extremely restrictive comprehensive plan diminishing local property owner's rights, as yet undeveloped CUSHING FAMILY TRUST PROPERTIES WERE EXEMPTED from the same land use restrictions forced upon all of the private property owners in Hampden.

#7) CUSHING sponsored legislation TO STIFFEN PENALTIES FOR THE DUMPING OF USED WHITE GOODS (refrigerators, stoves, dryers, washers) onto private property. Yet, CUSHING'S OWN VEHICLE, DISPLAYING THE BLUE STATE OF MAINE LICENSE PLATES, was photographed on a cell phone by a bystander, as the CUSHING vehicle with trailer recklessly departed the scene of a white goods dumping incident at a privately owned gravel pit in Hampden. The half dozen white goods came from CUSHING'S APARTMENT RENTAL UNITS. The incident was reported to the Hampden Police Department. CUSHING PAID A \$25.00 FINE for littering.

#6) CUSHING does not have the temperament for a higher position of privilege in the Maine State Senate., as evidenced by a local constituent witness WHO REPORTED CUSHING RECKLESSLY TAILGATING, DRIVING TO ENDANGER, AND COMMITTING ACTS OF ROAD RAGE, while the constituent and CUSHING were traveling in separate vehicles on I-95 headed towards Augusta.

#5) CUSHING has recently been investigated for IMPROPERLY ENRICHING HIMSELF FROM FUNDS CONTRIBUTED BY CONSTITUENTS TO HIS RE-ELECTION PAC (POLITICAL ACTION COMMITTEE). CUSHING raised the money under the pretext that the donated money would be used to assist other candidates. Yet, 80% OF THE DONATED FUNDS EXPENDED BY CUSHING'S PAC, WENT DIRECTLY INTO CUSHING'S POCKET (AS CONSULTING FEES).


#4) CUSHING voted right along with other socialist minded Hampden Town Councilors, to SILENCE THE PUBLIC. CUSHING SUPPORTED directing the town's attorney to RESEARCH WAYS TO SILENCE THE PUBLIC FROM PUBLICLY TESTIFYING at public council meetings, as a result of numerous contentious public hearings related to LAND USE and other proposed local ordinances in Hampden.

#3) CUSHING promoted his legislative bill, which PURPORTEDLY defends private property rights. Thankfully, the bill did not pass because it was so convoluted, Cushing's bill in it's final form ACTUALLY GAVE GOVERNMENT A GREEN LIGHT TO TAKE YOUR PRIVATE PROPERTY WITHOUT ADEQUATE COMPENSATION, AND PLACED ALL OF THE BURDEN, OF PROOF OF LOSS, ONTO THE PRIVATE PROPERTY OWNER (the private property owner had to prove a greater than 50% loss to his property value caused by an ordinance). Then, if the government did not prevail in court, and is forced to compensate the affected private property owner, THE TAXPAYERS AT LARGE WERE FORCED TO PAY the court ordered judgment and damages caused by the government officials who seized the private property by their usurpations.

#2) CUSHING, by his COVERT ACTIONS with the MAINE ATTORNEY GENERAL'S OFFICE, attempted to scuttle a local disenfranchised voter initiated MAINE AG investigation into allegations of local election fraud by HAMPDEN ELECTION OFFICIALS, in the most recent November 2011 election races for 4 district seats on the 7 member Hampden Town Council.

#1) CUSHING VOTED WITH the Maine legislative council





Vote The Cockroaches Out

Timeline

May

Highlights


committee's 4 Democrats, to allow the full house to consider a bill BANNING HIGH CAPACITY GUN CLIPS, while the other 5 Republicans on the committee voted against the gun ban. CUSHING's vote would have advanced the bill. However, the bill dled in committee on this vote, because it was a knee-jerk reaction to the Arizona Rep. Gabby Gifford shooting by a mentally unstable person. CUSHING's VOTE PROVES HE WILL VOTE AGAINST YOUR 2ND AMENDMENT RIGHTS, when he believes it is the politically expedient thing to do. PLEASE VOTE EMERSON for STATE SENATE - JUNE 12th,2012

Like

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4



Activity

May

People Who Like This

4

People Talking About This

12

Earlier in 2012



Vote The Cockroaches Out

shared a link.

April 25

<http://www.facebook.com/l.php?u=http%3A%2F%2Fwww.youtube.com%2Fwatch%3Fv%3DBdjoHA5ocwU%26feature%3Dshare%2527%252C%2529&h=TAQE6RTN0>



President Obama Announces the 2012 Launch of African Americans for Obama

www.youtube.com

Join African Americans for Obama:  
<https://my.barackobama.com/afampotus>

Like

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1 1



Vote The Cockroaches Out

April 20

Apparently, I'm supposed to be more outraged by what Mitt Romney does with HIS money than by what Barack Obama does with MINE!!!

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5 1



Vote The Cockroaches Out

April 12

My daughter walked into the living room and said, "Dad, cancel my allowance immediately, forget the college tuition, rent my room, throw all my clothes out of the window; take my TV, iPhone,iPod, and my laptop. Please take any of my jewelry to the Salvation Army or Cash Converters. Then sell my car, take my front door key away from me and throw me out of the house. Then disown me and never talk to me again. And don't forget to write me out of your will and leave my share to any one that wants it."

Well, she didn't put it quite like that. She actually said.... "Dad,



Vote The Cockroaches Out

shared Stephen Deschesne's photo.

April 20

<https://www.facebook.com/photo.php?fbid=3182723051646&set=a.1247593114607.2034707.1372815140&type=1&ref=nf>



Like

Comment

Share

2 2



Vote The Cockroaches Out

shared The Conservative Newsfeed's photo.

April 2


<https://www.facebook.com/photo.php?fbid=293368380698846&set=a.126335284068824.9039.125971034105249&type=1&ref=nf>

<http://www.facebook.com/pages/Vote-The-Cockroaches-Out/350555868905>

Friday, June 29, 2012

## 21-A MRSA § 1014. PUBLICATION OR DISTRIBUTION OF POLITICAL COMMUNICATIONS

**1. Authorized by candidate.** Whenever a person makes an expenditure to finance a communication expressly advocating the election or defeat of a clearly identified candidate through broadcasting stations, cable television systems, newspapers, magazines, campaign signs or other outdoor advertising facilities, publicly accessible sites on the Internet, direct mails or other similar types of general public political advertising or through flyers, handbills, bumper stickers and other nonperiodical publications, the communication, if authorized by a candidate, a candidate's authorized political committee or their agents, must clearly and conspicuously state that the communication has been so authorized and must clearly state the name and address of the person who made or financed the expenditure for the communication. The following forms of political communication do not require the name and address of the person who made or authorized the expenditure for the communication because the name or address would be so small as to be illegible or infeasible: ashtrays, badges and badge holders, balloons, campaign buttons, clothing, coasters, combs, emery boards, envelopes, erasers, glasses, key rings, letter openers, matchbooks, nail files, noisemakers, paper and plastic cups, pencils, pens, plastic tableware, 12-inch or shorter rulers, swizzle sticks, tickets to fund-raisers, electronic media advertisements where compliance with this section would be impracticable due to size or character limitations and similar items determined by the commission to be too small and unnecessary for the disclosures required by this section. A communication financed by a candidate or the candidate's committee is not required to state the address of the candidate or committee that financed the communication. A communication in the form of a sign that is financed by a candidate or the candidate's committee and that clearly identifies the name of the candidate and is lettered or printed individually by hand is not required to include the name and address of the person who made or financed the communication or to include a statement that the communication has been authorized by the candidate, the candidate's authorized committee or their agents.

 **2. Not authorized by candidate.** If the communication described in subsection 1 is not authorized by a candidate, a candidate's authorized political committee or their agents, the communication must clearly and conspicuously state that the communication is not authorized by any candidate and state the name and address of the person who made or financed the expenditure for the communication. If the communication is in written form, the communication must contain at the bottom of the communication in print that is no smaller in size than 12-point bold print, Times New Roman font, the words "NOT PAID FOR OR AUTHORIZED BY ANY CANDIDATE."

**2-A. Other communications.** Whenever a person makes an expenditure to finance a communication that names or depicts a clearly identified candidate and that is disseminated during the 21 days before a primary election or 35 days before a general election through the media described in subsection 1, the communication must state the name and address of the person who made or financed the communication and a statement that the communication was or was not authorized by the candidate. The disclosure is not required if the communication was not made for the purpose of influencing the candidate's nomination for election or election.

**3. Broadcasting prohibited without disclosure.** No person operating a broadcasting station or cable television system within this State may broadcast any communication, as described in subsections 1 to 2-A, without an oral or written visual announcement of the disclosure required by this section.


**3-A. In-kind contributions of printed materials.** A candidate, political committee or political action committee shall report on the campaign finance report as a contribution to the candidate, political committee or political action committee any contributions of in-kind printed materials to be used in the support of a candidate or in the support or defeat of a ballot question. Any in-kind contributions of printed materials used or distributed by a candidate, political committee or political action committee must include the name or title of that candidate, political committee or political action committee as the authorizing agent for the printing and distribution of the in-kind contribution.

**3-B. Newspapers.** A newspaper may not publish a communication described in subsections 1 to 2-A without including the disclosure required by this section. For purposes of this subsection, "newspaper" includes any printed material intended for general circulation or to be read by the general public, including a version of the newspaper displayed on a website owned or operated by the newspaper. When necessary, a newspaper may seek the advice of the commission regarding whether or not the communication requires the disclosure.

**4. Enforcement.** A violation of this section may result in a civil penalty of no more than \$5,000, except that an expenditure for yard signs lacking the required information may result in a maximum civil penalty of \$200. In assessing a civil penalty, the commission shall consider, among other things, how widely the communication was disseminated, whether the violation was intentional, whether the violation occurred as the result of an error by a printer or other paid vendor and whether the communication conceals or misrepresents the identity of the person who financed it. If the person who financed the communication or who committed the violation corrects the violation within 10 days after receiving notification of the violation from the commission by adding the missing information to the communication, the commission may decide to assess no civil penalty.

**5. Telephone calls.** Prerecorded automated telephone calls and scripted live telephone communications that name a clearly identified candidate during the 21 days before a primary election or the 35 days before a general election must clearly state the name of the person who made or financed the expenditure for the communication, except for prerecorded automated telephone calls paid for by the candidate that use the candidate's voice in the telephone call and that are made in support of that candidate. Telephone calls made for the purposes of researching the views of voters are not required to include the disclosure.

**6. Exclusions.** The requirements of this section do not apply to:

 **A.** Handbills or other literature produced and distributed at a cost not exceeding \$100 and prepared by one or more individuals who are not required to register or file campaign finance reports with the commission and who are acting independently of and without authorization by a candidate, candidate's authorized campaign committee, party committee, political action committee or ballot question committee or an agent of a candidate, candidate's authorized campaign committee, party committee, political action committee or ballot question committee; [2011, c. 389, §13 (NEW).]

**B.** Campaign signs produced and distributed at a cost not exceeding \$100, paid for by one or more individuals who are not required to register or file campaign finance reports with the commission and who are acting independently of and without authorization by a candidate, candidate's authorized campaign committee, party committee, political action committee or ballot question committee or an agent of a candidate, candidate's authorized campaign committee, party committee, political action committee or ballot question committee; and [2011, c. 389, §13 (NEW).]

**C.** Internet and e-mail activities costing less than \$100, as excluded by rule of the commission, paid for by one or more individuals who are not required to register or file campaign finance reports with the commission and who are acting independently of and without authorization by a candidate, candidate's authorized campaign committee, party committee, political action committee or ballot question committee or an agent of a candidate, candidate's authorized campaign committee, party committee, political action committee or ballot question committee. [2011, c. 389, §13 (NEW).]